

REMARKS

By this Response and Amendment, claims 1 - 32 are pending in this application.

In the Office Communication mailed January 12, 2010, Examiner Larry F. THROWER indicated that "Applicant elected two inventions (III and I) for examination; however the requirement for restriction required election of a single invention to be examined...." See Office Communication, page 2.

In the Official Action (Restriction Requirement) mailed August 14, 2009, claims 1 - 30 were subjected to a restriction requirement by Examiner Walter AUGHENBAUGH.

By this Response to Office Communication (Supplemental Response to Official Action / Restriction Requirement), amendments have been made to the claims. In the interest of clarity, and it is not clear whether the Examiner entered the amendments filed November 16, 2009, the amendments herein reference the application claims as originally filed.

It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. § 132 and 35 CFR § 1.121.

I. Interview Summary

Applicant thanks Examiner THROWER for the courtesy extended to Applicant's Representative in the telephone Interview conducted January 15, 2010. The Examiner clarified his remarks of the Office Communication mailed January 12, 2010, and indicated that Applicant's traversal arguments were better presented in a remarks section, independent of the unambiguous election of a single group for restriction.

Accordingly, and as suggested by the Examiner, Applicant has rewritten the Response to "take out the [comments] in parenthetical marks [from the 'Response to Restriction Requirement' Section] and place them in the remarks [section] instead... so that the election is 'clean'." Should any issues remain unresolved, Applicant requests the Examiner to contact Applicant's Representative directly, to expedite prosecution.

II. Restriction Requirement

Examiner AUGHENBAUGH required restriction of claims 1 - 30 to a single invention under 35 U.S.C. § 121 and §372. Claims 1 - 30 were subjected to a restriction requirement as follows:

Group I - claims 1 - 17, "drawn to an article";

Group II - claims 18 - 23, "drawn to an element"; and

Group III - claims 24 - 30, "drawn to a method of manufacturing an article."

The Examiner has required that for a reply to this requirement to be complete, "Applicant... must include (i) an election of an invention to be examined... and (ii) identification of the claims encompassing the elected invention." The Examiner further

stated that “[i]f claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.”

III. Response to Restriction Requirement

Upon entry of the above amendments, claims 24 – 30 are amended. Accordingly Applicant respectfully submits that the restriction requirement thereto is moot. Claims 31 and 32 are newly presented and pending in this application, and discussed in detail in Section III. Applicant respectfully submits that although original independent claim 1 and original dependent claim 24 have been asserted by the Examiner to comprise “inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1,” in view of the amendments made herein, the subject matter of claims 1 and 24 as currently recited do not lack unity, and therefore constitute a single “invention” for the purposes of 35 U.S.C. §121 and §372. Further, Applicant respectfully submits that any further restriction of these claims would not be proper as there is no divergent subject matter therein that would cause a serious burden to the Examiner during examination.

Nonetheless, for the purposes of making a full and complete Response, Applicant provisionally elects “Group III,” (defined by the Examiner as claims 24-30), drawn to a “[m]anufacturing a composite article....” Applicant further notes that following amendment of the claims as discussed above, provisionally elected “Group III” corresponds to pending claims 1-17 and 24-30 and (newly presented claims) 31 and 32, dependent indirectly from claim 24.

IV. *Remarks regarding Amendments made herein*

The amendment of claims 24-30 has been made without prejudice or disclaimer for the sole reason of advancing prosecution. Applicant reserves the right to reassert the original claim scope of any claim in a continuing application.

Applicant respectfully submits that claims 24-30 have been amended in a manner affecting/changing the basis of the Restriction Requirement, and accordingly, does not lack unity with "Group I," of claims 1-17, at least because claim 24 includes all of the features of claim 1. Applicant further notes that following amendment of the claims as discussed above, provisionally elected "Group III" (and Group I) correspond to pending claims 1-17 and 24-30 and (newly presented claims) 31 and 32, dependent indirectly from claim 24.

The amended claims are fully supported throughout the claims, specification and figures as originally filed. For example, claim 24 has been rewritten in independent form. The claims have been amended to further conform to U.S. patent practice.

With respect to the newly presented claims, claims 31 and 32 are indirectly dependent from claim 24; support for these claim amendments may be found at least on page 8, line 1 of the original application as filed (International Publication No. WO 2005/054740). Applicant respectfully submits that the newly presented claims do not introduce new matter within the meaning of 35 U.S.C. §132.

Accordingly, Applicant respectfully requests that the Examiner enter the above amendment before further examination; favorable consideration is requested.

CONCLUSION


Having made the required restriction and election, examination on the merits is earnestly solicited. Should the Examiner deem that any further action by Applicant's undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

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